

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1481-AIR-E TCEQ ID: RN100216977 CASE NO.: 34612**  
**RESPONDENT NAME: Sabina Petrochemicals LLC**

Page 1 of 3

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> BASF Fina NAFTA Region Olefins Complex, 2700 Highway 366, Port Arthur, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are five pending enforcement actions regarding this facility location, Docket Nos. 2008-0095-AIR-E, 2005-1862-AIR-E, 2006-1578-AIR-E, 2007-0222-AIR-E, and 2007-1663-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 31, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 <b>TCEQ Enforcement Coordinator:</b> Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 <b>Respondent:</b> Mr. Christopher P. Witte, General Manager, Sabina Petrochemicals LLC, PO Box 2506, Port Arthur, Texas 77643 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Reviews Relating to this Case:</b> February 8 and 16, 2007</p> <p><b>Date of NOEs Relating to this Case:</b> August 1 and 20, 2007 (NOEs)</p> <p><b>Background Facts:</b> This was a routine record review.</p> <p><b>AIR</b></p> <p>1) Failure to maintain an emission rate below the allowable limit for volatile organic compounds ("VOC") at the C4 Cooling Tower, Emission Point Number CT ("EPN CT"), from September 27, 2006 through October 10, 2006 and from October 12, 2006 through November 15, 2006. Specifically, the permit limit is 3.07 pounds per hour ("lbs/hr"). Weekly and daily sampling records and lab analysis indicate that the VOC hourly rates varied from 3.4 lbs/hr to 15.9 lbs/hr for the period October 12 to November 15, 2006 resulting in 4,277.84 lbs of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), 122.143(4), New Source Review Permit ("NSRP") Nos. 41945, PSD-TX-950, and N-018, Special Condition ("SC") No. 1, Federal Operating Permit ("FOP") No. O-02629, General Terms and Conditions ("GTC"), and TEX. HEALTH &amp; SAFETY CODE §382.085(b)].</p> <p>2) Failure to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006. Specifically, the permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions [30 TEX. ADMIN. CODE</p>	<p><b>Total Assessed:</b> \$24,625</p> <p><b>Total Deferred:</b> \$4,925  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$9,850</p> <p><b>Total Paid to General Revenue:</b> \$9,850</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant;</p> <p>a) On November 2, 2006, Exchanger E-5408C was repaired with a bundle taken from another exchanger to repair the leak, returned to service and was replaced with a new exchanger by March 31, 2007;</p> <p>b) On November 2, 2006, Exchanger E-5408A was taken out of service until it was replaced by March 31, 2007;</p> <p>c) On November 14, 2006, Exchanger E-5221B was taken out of service until was replaced by August 31, 2007;</p> <p>d) By November 15, 2006, implemented enhancements to data communication measures to ensure operations personnel have timely access to cooling tower monitoring data; and</p> <p>e) From May 22 to August 21, 2007, a special C4 Cooling Tower water disinfection system, which included alternating the use of chlorine dioxide and a non-oxidizing biocide to provide additional disinfection beyond the Respondent's regular use of bleach (sodium hypochlorite), was used after a root cause failure analysis came to the conclusion that the leaks were caused by sulfate-reducing bacteria living in microdeposits on the outside of the exchangers.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).</p>

§§ 101.20(3), 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP Nos. 41945, PSD-TX-950, and N-018, SC No. 1, FOP No. O-02629, GTC, and TEX. HEALTH & SAFETY CODE §382.085(b)].		
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Additional ID No(s): Air Account No. JE0843F



**Attachment A**  
**Docket Number: 2007-1481-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Sabina Petrochemicals LLC</b>
<b>Payable Penalty Amount:</b>	<b>Nineteen Thousand Seven Hundred Dollars (\$19,700)</b>
<b>SEP Amount:</b>	<b>Nine Thousand Eight Hundred Fifty Dollars (\$9,850)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission  
Transportation and Environmental Resources  
Bob Dickenson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.





**5.     Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6.     Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7.     Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision September 19, 2007

<b>DATES</b>	<b>Assigned</b>	6-Aug-2007	<b>Screening</b>	12-Sep-2007	<b>EPA Due</b>	26-Apr-2008
	<b>PCW</b>	1-Oct-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Sabina Petrochemicals LLC
<b>Reg. Ent. Ref. No.</b>	RN100216977
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	34612	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2007-1481-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Miriam Hall	
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 4	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$12,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	107% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$13,375
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**Notes** The penalty was enhanced for five same or similar NOV's, two unrelated NOV's, and four 1660 orders. The penalty was reduced for two Notices of Audit.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	10% Reduction	<b>Subtotal 5</b>	\$1,250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

**Notes** Corrective actions were completed by August 31, 2007. The NOEs were issued August 1 and 20, 2007.

<b>Total EB Amounts</b>	\$566	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$10,000	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$24,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$24,625
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$24,625
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$4,925
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$19,700
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Screening Date 12-Sep-2007

Docket No. 2007-1481-AIR-E

PCW

Respondent Sabina Petrochemicals LLC

Policy Revision 2 (September 2002)

Case ID No. 34612

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100216977

Media [Statute] Air

Enf. Coordinator Miriam Hall

**Compliance History Worksheet**

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
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NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 107%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The penalty was enhanced for five same or similar NOV's, two unrelated NOV's, and four 1660 orders. The penalty was reduced for two Notices of Audit.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 107%

<b>Screening Date</b>	12-Sep-2007	<b>Docket No.</b>	2007-1481-AIR-E	<b>PCW</b>	
<b>Respondent</b>	Sabina Petrochemicals LLC	Policy Revision 2 (September 2002)			
<b>Case ID No.</b>	34612	PCW Revision September 19, 2007			
<b>Reg. Ent. Reference No.</b>	RN100216977				
<b>Media [Statute]</b>	Air				
<b>Enf. Coordinator</b>	Miriam Hall				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), 122.143(4), New Source Review Permit ("NSRP") Nos. 41945, PSD-TX-950, and N-018, Special Condition ("SC") No. 1, Federal Operating Permit ("FOP") No. O-02629, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to maintain an emission rate below the allowable limit for volatile organic compounds ("VOC") at the C4 Cooling Tower, Emission Point Number CT ("EPN CT"), from September 27, 2006 through October 10, 2006 and from October 12, 2006 through November 15, 2006. The permit limit is 3.07 pounds per hour ("lbs/hr"). Weekly and daily sampling records and lab analysis indicate that the VOC hourly rates varied from 3.45 lbs/hr to 15.9 lbs/hr for the period October 12 to November 15, 2006 resulting in 4,277.84 lbs of unauthorized VOC emissions.				
		<b>Base Penalty</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Release</b>	<b>Harm</b>			
		Major      Moderate      Minor			
	Actual	x			
	Potential		<b>Percent</b>	50%	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
		<b>Adjustment</b>	\$5,000		
		\$5,000			
<b>Violation Events</b>					
<b>Number of Violation Events</b>		2	<b>Number of violation days</b>	48	
mark only one with an x	daily				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
		<b>Violation Base Penalty</b>	\$10,000		
Two monthly events are recommended.					
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$566	<b>Violation Final Penalty Total</b>	\$19,700	
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$19,700	

**Economic Benefit Worksheet**

Respondent Sabina Petrochemicals LLC  
Case ID No. 34612  
Reg. Ent. Reference No. RN100216977  
Media Air  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$10,000	14-Jul-2006	31-Aug-2007	1.1	\$566	n/a	\$566

Notes for DELAYED costs

The estimated cost for all the corrective actions starting with the first leak (Violation #2) through the last corrective action that was implemented.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$566

<b>Screening Date</b>	12-Sep-2007	<b>Docket No.</b>	2007-1481-AIR-E	<b>PCW</b>	
<b>Respondent</b>	Sabina Petrochemicals LLC	Policy Revision 2 (September 2002)			
<b>Case ID No.</b>	34612	PCW Revision September 19, 2007			
<b>Reg. Ent. Reference No.</b>	RN100216977				
<b>Media [Statute]</b>	Air				
<b>Enf. Coordinator</b>	Miriam Hall				
<b>Violation Number</b>	2				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP Nos. 41945, PSD-TX-950, and N-018, SC No. 1, FOP No. O-02629, GTC, and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	Failed to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006. The permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions.				
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 25%
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
<b>Adjustment</b>				\$7,500	
				\$2,500	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		1	<b>Number of violation days</b> 19		
mark only one with an x	daily				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
<b>Violation Base Penalty</b>		\$2,500			
One quarterly event is recommended.					
<b>Economic Benefit (EB) for this violation</b>					
<b>Estimated EB Amount</b>		<b>Statutory Limit Test</b>			
\$0		<b>Violation Final Penalty Total</b>		\$4,925	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$4,925	



**Economic Benefit Worksheet**

Respondent Sabina Petrochemicals LLC

Case ID No. 34612

Reg. Ent. Reference No. RN100216977

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 1.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0



# Compliance History

Customer/Respondent/Owner-Operator:	CN601706583	SABINA PETROCHEMICALS LLC	Classification: AVERAGE	Rating: 8.78
Regulated Entity:	RN100216977	BASF FINA NAFTA REGION OLEFINS COMPLEX	Classification: AVERAGE	Site Rating: 8.78
ID Number(s):	AIR OPERATING PERMITS		PERMIT	1877
	AIR OPERATING PERMITS		ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS		PERMIT	2551
	AIR OPERATING PERMITS		PERMIT	2965
	AIR OPERATING PERMITS		ACCOUNT NUMBER	JE0843F
	AIR OPERATING PERMITS		PERMIT	2629
	AIR OPERATING PERMITS		PERMIT	2965
	WASTEWATER		PERMIT	WQ0004135000
	WASTEWATER		PERMIT	TPDES0119369
	WASTEWATER		PERMIT	TX0119369
	AIR NEW SOURCE PERMITS		PERMIT	36644
	AIR NEW SOURCE PERMITS		PERMIT	PSDTX903
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	JE0843F
	AIR NEW SOURCE PERMITS		PERMIT	N007M2
	AIR NEW SOURCE PERMITS		PERMIT	N007
	AIR NEW SOURCE PERMITS		PERMIT	N018
	AIR NEW SOURCE PERMITS		PERMIT	N007M1
	AIR NEW SOURCE PERMITS		PERMIT	P903M1
	AIR NEW SOURCE PERMITS		REGISTRATION	76480
	AIR NEW SOURCE PERMITS		EPA ID	PSDTX903M2
	AIR NEW SOURCE PERMITS		EPA ID	PSDTX903M1
	AIR NEW SOURCE PERMITS		REGISTRATION	79052
	AIR NEW SOURCE PERMITS		PERMIT	41945
	AIR NEW SOURCE PERMITS		ACCOUNT NUMBER	JE0843F
	AIR NEW SOURCE PERMITS		EPA ID	PSDTX950
	AIR NEW SOURCE PERMITS		AFS NUM	4824500182
	AIR NEW SOURCE PERMITS		REGISTRATION	81534
	AIR NEW SOURCE PERMITS		REGISTRATION	81533
	AIR NEW SOURCE PERMITS		REGISTRATION	82105
	AIR NEW SOURCE PERMITS		REGISTRATION	81912
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		EPA ID	TXR000039909
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		SOLID WASTE REGISTRATION # (SWR)	86596
Location:	2700 Highway 366, PORT ARTHUR, TX, 77643		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	October 04, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 04, 2002 to October 04, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Miriam Hall Phone: (512) 239-1044

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | No  |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/02/2002

ADMINORDER 2002-0029-AIR-E(1660)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.5

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent the discharge of such quantities of uncombined water as to create a traffic

hazard and interfere with normal road use.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions during an upset on 11/28/01. The emergency bypass vent at the 92 Pipe Rack adjacent to the Thermal Oxidizer which is not a permitted source, released 88 pounds of VOC (benzene) over a 1 hr period.

Effective Date: 02/17/2003

ADMINORDER 2002-0808-AIR-E (1660)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT  
SC 1 PERMIT  
SC 18 PERMIT

Description: Failure to maintain NOX from the Supplemental Boiler Stack below the MAERT limit of 13.65 lb/hr and the limit for the Heat Specific Factor of .060 lb/MMBtu.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT  
SC 1 PERMIT  
SC 15 PERMIT

Description: Failure to maintain NOX from the Cogeneration Train 2 Stack below the MAERT limit of 26.96 lb/hr and the combined emissions from the gas turbine plus duct burner.

Effective Date: 04/10/2005

ADMINORDER 2003-1317-AIR-E (1660- BASF Fina Petrochemicals LP)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.7(b)(1)(B)  
30 TAC Chapter 101, SubChapter A 101.7(c)(3)  
30 TAC Chapter 101, SubChapter F 101.211(a)(1)(E)  
30 TAC Chapter 101, SubChapter F 101.211(b)(6)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include the expected and actual times of scheduled start-up activities at the Ethylene Unit on the initial and final notifications for startup period November 6, 2001 through January 8, 2002.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a reportable upset; failure to determine if emissions events were reportable.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(E)  
30 TAC Chapter 101, SubChapter A 101.6(a)(2)(F)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(G)  
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office the compounds and estimated quantities for the compounds of a reportable upset at the Ethylene Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office the requirements of 30 TAC 101.201(a) and (b) for the reportable upset at the Ethylene Unit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

23 PERMIT

23A PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT

20 PERMIT

PSD-TX-903, SC 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 26 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)  
30 TAC Chapter 101, SubChapter A 101.6(b)(6)  
30 TAC Chapter 101, SubChapter F 101.201(b)(4)  
30 TAC Chapter 101, SubChapter F 101.201(b)(7)  
30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to include types of compounds and estimated total quantities for NOx and CO on final

report notifications.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 13C PERMIT

Description: Failure to maintain compliance with visible emission limitations for gas flares.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)[G]  
30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a final report to the TCEQ Beaumont Regional Office within 14 days of the end of the event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(b)  
30 TAC Chapter 101, SubChapter F 101.211(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to make a final maintenance notification within 14 days of the end of the event.

Effective Date: 10/19/2006

ADMINORDER 2005-0456-AIR-E (1660 – Sabina Petrochemicals LLC)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, and N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38454

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39497

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident No. 39496

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent emissions from the Flow Valve - Crude C4 Line in the C4 Complex. Incident No. 47680

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7). Incident 38856

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a Carbon Monoxide and Nitrogen Oxide emission rates below the

allowable emission limits for the High Pressure Flare (EPN P-7). Incident 38862

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incidents 38857, 38858, & 38860

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 41495, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain Carbon Monoxide and Nitrogen Oxide emission rates below the allowable emission limits for the Low Pressure Flare (EPN P-6). Incident 38861

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43641.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43644.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits from the Low Pressure Flare. Incident 43650.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 41945, PSD-TX-950, N-018 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure Flare (EPN P-7).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38858

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT

Description: Failure to maintain a VOC emission rate below the allowable emission limit for the Low Pressure Flare (EPN P-6). Incident 38860

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3);  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Permit No. 41945, Special Condition 1 PERMIT  
Description: Failure to maintain a VOC emission rate below the allowable emission limit for the High Pressure  
Flare (EPN P-7). Incident 56392

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/10/2002	(10864)
2	10/11/2002	(10736)
3	10/22/2002	(234940)
4	10/28/2002	(14750)
5	11/08/2002	(15640)
6	11/08/2002	(15628)
7	11/08/2002	(15658)
8	11/15/2002	(16299)
9	11/18/2002	(15762)
10	11/19/2002	(234942)
11	12/06/2002	(15624)
12	12/19/2002	(327663)
13	01/15/2003	(19957)
14	01/21/2003	(234945)
15	01/28/2003	(21739)
16	02/20/2003	(234925)
17	03/24/2003	(234927)
18	04/03/2003	(16244)
19	04/17/2003	(29115)
20	04/22/2003	(327653)
21	04/25/2003	(27482)
22	05/22/2003	(327654)
23	06/10/2003	(35909)
24	06/20/2003	(327656)
25	07/03/2003	(43208)
26	07/16/2003	(112861)
27	07/22/2003	(327658)
28	08/22/2003	(327659)
29	09/05/2003	(119152)
30	09/23/2003	(327660)
31	10/17/2003	(327661)
32	10/30/2003	(253638)
33	11/06/2003	(254209)
34	11/20/2003	(327662)
35	12/11/2003	(144479)
36	12/17/2003	(248013)
37	12/17/2003	(254861)
38	12/29/2003	(257254)
39	12/29/2003	(327664)
40	01/14/2004	(259423)
41	01/16/2004	(327665)
42	01/16/2004	(259390)
43	02/18/2004	(260861)
44	02/23/2004	(327651)
45	02/26/2004	(261623)
46	02/27/2004	(261562)
47	02/27/2004	(264339)
48	03/22/2004	(327652)
49	03/24/2004	(262485)
50	04/22/2004	(367172)
51	05/12/2004	(270524)
52	05/13/2004	(267724)
53	05/18/2004	(367173)

54	05/21/2004	(267205)
55	05/21/2004	(266870)
56	05/21/2004	(266755)
57	06/01/2004	(267732)
58	06/17/2004	(327657)
59	07/19/2004	(367174)
60	08/10/2004	(278952)
61	08/10/2004	(278542)
62	08/10/2004	(278948)
63	08/10/2004	(278949)
64	08/10/2004	(278950)
65	08/24/2004	(367175)
66	09/21/2004	(367176)
67	09/21/2004	(367178)
68	10/22/2004	(367177)
69	11/22/2004	(278953)
70	12/22/2004	(390150)
71	01/21/2005	(390151)
72	02/08/2005	(348963)
73	02/10/2005	(344242)
74	02/10/2005	(343973)
75	02/10/2005	(344219)
76	02/10/2005	(343769)
77	02/10/2005	(343578)
78	02/11/2005	(278954)
79	02/11/2005	(278958)
80	02/11/2005	(341798)
81	02/11/2005	(344252)
82	02/18/2005	(348961)
83	02/18/2005	(348919)
84	02/23/2005	(427633)
85	03/03/2005	(343703)
86	03/03/2005	(262072)
87	03/07/2005	(338015)
88	03/07/2005	(344251)
89	03/22/2005	(390149)
90	03/30/2005	(344244)
91	03/30/2005	(343817)
92	03/30/2005	(344248)
93	03/30/2005	(344253)
94	04/01/2005	(344250)
95	04/18/2005	(427634)
96	05/10/2005	(278956)
97	05/10/2005	(427635)
98	06/03/2005	(378687)
99	06/20/2005	(427636)
100	06/30/2005	(392984)
101	07/05/2005	(380492)
102	07/05/2005	(398319)
103	07/06/2005	(398263)
104	07/07/2005	(338249)
105	07/27/2005	(393566)
106	08/10/2005	(399867)
107	08/12/2005	(402436)
108	08/12/2005	(379097)
109	08/23/2005	(447657)
110	08/24/2005	(287879)
111	08/31/2005	(285271)
112	09/01/2005	(447656)
113	09/19/2005	(447658)
114	10/21/2005	(492719)
115	11/10/2005	(435935)
116	11/28/2005	(492720)
117	12/09/2005	(436076)
118	12/16/2005	(437551)
119	12/21/2005	(492721)
120	01/24/2006	(492722)
121	01/27/2006	(450346)

122	02/22/2006	(492717)
123	02/27/2006	(453972)
124	02/27/2006	(439417)
125	03/22/2006	(492718)
126	03/30/2006	(461163)
127	03/30/2006	(461169)
128	03/30/2006	(460864)
129	04/19/2006	(506384)
130	05/12/2006	(460115)
131	05/16/2006	(465406)
132	05/22/2006	(465286)
133	05/23/2006	(461740)
134	05/23/2006	(506385)
135	06/08/2006	(465332)
136	06/08/2006	(337298)
137	06/19/2006	(506386)
138	07/21/2006	(528616)
139	08/21/2006	(528617)
140	08/22/2006	(461611)
141	08/22/2006	(487941)
142	08/29/2006	(510272)
143	09/18/2006	(508808)
144	09/18/2006	(489929)
145	09/18/2006	(489930)
146	09/26/2006	(512738)
147	09/26/2006	(528618)
148	09/26/2006	(528619)
149	10/10/2006	(509369)
150	11/03/2006	(512514)
151	11/21/2006	(551921)
152	11/21/2006	(551922)
153	12/15/2006	(551923)
154	12/20/2006	(398261)
155	12/20/2006	(533392)
156	01/22/2007	(589231)
157	01/31/2007	(537305)
158	02/08/2007	(537506)
159	02/09/2007	(539274)
160	03/19/2007	(589227)
161	03/19/2007	(589228)
162	05/14/2007	(589229)
163	05/21/2007	(559801)
164	05/21/2007	(559168)
165	06/21/2007	(589230)
166	07/31/2007	(538827)
167	08/16/2007	(557840)
168	08/20/2007	(519464)
169	08/23/2007	(572334)
170	08/24/2007	(567435)
171	08/28/2007	(571955)
172	09/14/2007	(568320)
173	09/14/2007	(568498)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/26/2004 (261623) BASF

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Permit No. 36644; PSD-TX-903

Description: On January 5, 2004, during the decoking process of Heater H-0800, an excess opacity event of greater than 5 percent occurred at EPN N-18.

Date: 05/07/2004 (267732) Sabina

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(5)  
Description: Failure to properly complete uniform hazardous waste manifests.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]



Description: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
 Failure to include an inventory of emergency equipment in the facility's contingency plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)[G]  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to include the addresses of the emergency coordinators in the facility's contingency plan.

Date: 05/12/2006 (460115) Sabina

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(d)  
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 41945/PSD-TX-950/N-018, SC 13C  
 PERMIT 41945/PSD-TX-950/N-018, SC 2A  
 PERMIT 41945/PSD-TX-950/N-018, SC 2D

Description: Failure to properly operate the High Pressure Flare, Emission Point Number (EPN) P-7 resulting in excess opacity.

Date: 08/17/2007 (557840) BASF

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007  
 OP O-01877

Description: Failure to maintain an emission rate below the allowable limit for Nitrogen Oxides (NOx) and Carbon Monoxide (CO) at Co-generation Unit 1 (GTG-1), Emission Point Number N-20A.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007  
 OP O-01877

Description: Failure to maintain an emission rate below the allowable limit for NOx at Co-generation Unit 2 (GTG-2), Emission Point Number N-20B.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007  
 OP O-01877

Description: Failure to maintain an emission rate below the allowable limit for NOx and CO at the Auxiliary Boiler (B-7240), Emission Point Number N-14.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007  
 OP O-01877

Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 6 parts per million (ppm) NOx for Co-generation Unit 1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644 / PSD-TX-903 / N-007  
 OP O-01877

Description: Failure to prevent combined emissions, on an hourly average, from the gas turbine plus the duct burner from exceeding 9 parts per million (ppm) NOx for Co-generation Unit 2.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 36644 / PSD-TX-903 / N-007 OP O-01877		
Description:	Failure to maintain an emission rate below the allowable limit for NOx and CO at the Auxiliary Boiler (B-7240), Emission Point Number N-14.		
Date:	08/20/2007 (519464) Sabina		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT O-02629		
Description:	Failure to report 624 hourly deviations for the C4 Cooling Tower within 30-days of the end of the six-month deviation period.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 41945, PSD-TX-950, N-018 PERMIT O-02629		
Description:	Failure to maintain compliance with the one-hour firing rate limitation of 0.007 lbs/MMBtu for NOx for the C4 Boiler. B13		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 41945, PSD-TX-950, N-018 PERMIT O-02629		
Description:	Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 6 parts per million by volume (ppmv) of NOx. B13		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 41945, PSD-TX-950, N-018 PERMIT O-02629		
Description:	Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 100 parts per million by volume (ppmv) of CO. B13		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 41945, PSD-TX-950, N-018 PERMIT O-02629		
Description:	Failure to maintain an emission rate below the allowable limit for NOx at C4 Boiler, EPN BLR. B13		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 41945, PSD-TX-950, N-018		
Description:	Failure to maintain an emission rate below the allowable limit for CO at C4 Boiler, EPN BLR. B13		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 41945, PSD-TX-950, N-018		
Description:	Failure to prevent emissions, on an hourly basis, from the the C4 Boiler, EPN BLR, from exceeding 5 ppmv of Ammonia (NH3) slip. B13		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 101, SubChapter A 101.20(3)		

30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart VV 60.482-6[G]  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 41945, PSD-TX-950, N-018  
 PERMIT O-02629  
 Description: Failure to maintain five components with a cap, plug, second valve, or blind flange.  
 B19g1  
 Date: 08/24/2007 (567435) Sabina  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)(5)(B)  
 30 TAC Chapter 335, SubChapter A 335.6(c)(5)(C)  
 Description: Failure to notify the executive director of regulated waste activities.  
 Date: 08/28/2007 (572764) BASF  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 36644, PDS-TX-903, N-007  
 PERMIT O-02551  
 Description: Failure to prevent 61 open ended lines by not sealing the lines with a cap, plug, second  
 valve, or blind flange in the F-1 and F-4 Units. C10  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 36644, PDS-TX-903, N-007  
 PERMIT O-02551  
 Description: Failure to maintain compliance with the one hour firing rate permit limitations of 0.08  
 pounds per million British thermal units (lbs/MMBtu) for Nitrogen Oxides (NOx) for  
 Heaters H-100, H-200, H-300, H-400, H-500, H-600, H-700, H-800, and H6102. In  
 addition, failure to maintain compliance with the one-hour firing rate permit limitations of  
 0.077 lbs/MMBtu for Carbon Monoxide (CO), for Heaters H-100, H-200, H-300, H-400,  
 H-500, H-600, and H-700. B-13  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 36644, PDS-TX-903, N-007  
 PERMIT O-02551  
 Description: Failure to maintain compliance with pound per hour permit limits for Nitrogen Oxides  
 (NOx) for Heaters H-200, H-600, and H-700. B-13  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 36644, PDS-TX-903, N-007  
 PERMIT O-02551  
 Description: Failure to maintain the ground flare gas minimum net heating value above 900 Btu/scf.  
 B-13  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT 36644, PDS-TX-903, N-007  
 PERMIT O-02551  
 Description: Failure to operate the Thermal Oxidizer at temperatures of 1,800 degrees Fahrenheit or  
 greater. B-13  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart NNN 60.665(l)(2)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 36644, PDS-TX-903, N-007  
PERMIT O-02551  
Description: Failure to report two by-pass events for the Thermal Oxidizer on the NSPS 40 CFR Part 60, Subpart NNN semi-annual report. C3  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT O-02551  
Description: Failure to report deviations on semi annual deviation reports. B13

F. Environmental audits.

Notice of Intent Date: 04/27/2007 (561243)  
No DOV Associated

Notice of Intent Date: 05/29/2007 (564833)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SABINA PETROCHEMICALS LLC  
RN100216977**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1481-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sabina Petrochemicals LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 2700 Highway 366 in Port Arthur, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 6 and 25, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Four Thousand Six Hundred Twenty-Five Dollars (\$24,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Eight Hundred Fifty Dollars (\$9,850) of the administrative penalty and Four Thousand Nine Hundred Twenty-Five Dollars



(\$4,925) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Nine Thousand Eight Hundred Fifty Dollars (\$9,850) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On November 2, 2006, Exchanger E-5408C was repaired with a bundle taken from another exchanger to repair the leak, returned to service and was replaced with a new exchanger by March 31, 2007;
  - b. On November 2, 2006, Exchanger E-5408A was taken out of service until it was replaced by March 31, 2007;
  - c. On November 14, 2006, Exchanger E-5221B was taken out of service until it was replaced by August 31, 2007;
  - d. By November 15, 2006, implemented enhancements to data communication measures to ensure operations personnel have timely access to cooling tower monitoring data; and
  - e. From May 22 to August 21, 2007, a special C4 Cooling Tower water disinfection system, which included alternating the use of chlorine dioxide and a non-oxidizing biocide to provide additional disinfection beyond the Respondent's regular use of bleach (sodium hypochlorite), was used after a root cause failure analysis came to the conclusion that the leaks were caused by sulfate-reducing bacteria living in microdeposits on the outside of the exchangers.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.





## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to maintain an emission rate below the allowable limit for volatile organic compounds ("VOC") at the C4 Cooling Tower, Emission Point Number CT ("EPN CT"), from September 27, 2006 through October 10, 2006 and from October 12, 2006 through November 15, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), 122.143(4), New Source Review Permit ("NSRP") Nos. 41945, PSD-TX-950, and N-018, Special Condition ("SC") No. 1, Federal Operating Permit ("FOP") No. O-02629, General Terms and Conditions ("GTC") and TEX. HEALTH & SAFETY Code § 382.085(b), as documented during a record review conducted on February 8, 2007. Specifically, the permit limit is 3.07 pounds per hour ("lbs/hr"). Weekly and daily sampling records and lab analysis indicate that the VOC hourly rates varied from 3.45 lbs/hr to 15.9 lbs/hr for the period October 12 to November 15, 2006 resulting in 4,277.84 lbs of unauthorized VOC emissions,
2. Failed to maintain an emission rate below the allowable limit for VOC at the C4 Cooling Tower, EPN CT, from July 14, 2006 through August 2, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F), 116.115(c), 122.143(4), NSRP Nos. 41945, PSD-TX-950, and N-018, SC No. 1, FOP No. O-02629, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 16, 2007. Specifically, the permit limit is 3.07 lbs/hr. Weekly and daily sampling records and lab analysis indicate that the VOC average hourly rate was 5.87 lbs/hr for the period resulting in 1,412.35 lbs of unauthorized VOC emissions.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sabina Petrochemicals LLC, Docket No. 2007-1481-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088



2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Eight Hundred Fifty Dollars (\$9,850) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Jon Sallie  
\_\_\_\_\_  
For the Executive Director

3/21/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Christopher P. Witte  
\_\_\_\_\_  
Signature

12/18/07  
\_\_\_\_\_  
Date

christopher P. Witte  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Sabina Petrochemicals LLC

General Manager  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



**Attachment A**  
**Docket Number: 2007-1481-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Sabina Petrochemicals LLC</b>
<b>Payable Penalty Amount:</b>	<b>Nineteen Thousand Seven Hundred Dollars (\$19,700)</b>
<b>SEP Amount:</b>	<b>Nine Thousand Eight Hundred Fifty Dollars (\$9,850)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.





**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

South East Texas Regional Planning Commission  
Transportation and Environmental Resources  
Bob Dickenson, Director  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

